10-24-05   DAC/#
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In The Matter Of:	
Application No: 10/771,578	Art Unit.......1734
Application Date: 02/03/2003	
Docket No: LAYT/2001/2003	Examiner: JAMES SELLS
Inventor: Liviu L. Marian	
Title: Method and Apparatus for Attaching Article Processing Stem	EL651547653US

PETITION TO REVIVE UNINTENTIONALLY ABANDONED NONPROVISIONAL APPLICATION UNDER 37 CFR 1.137(b)

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Sir:

In accordance with the applicable provisions of 37 CFR 1.137(b), the undersigned Attorney for Applicant hereby petitions respectfully to revive the above identified Patent Application on the grounds of unintentional abandonment for the reasons set forth herewith in Attorney's Statement letter..

Further in accordance with the provisions of the rule cited above, Attorney for Applicant submits herewith the following documents in support of this Petition:

- A complete and responsive reply to the Office Action Mailed January 11, 2005. including a five (5) page Claims Listing setting forth all current pending claims in full compliance with the applicable provisions of 37 CFR 1.121, which, it is believed, fully places this Application in proper condition for allowance in accordance with the Examiner's valuable comments and advice;
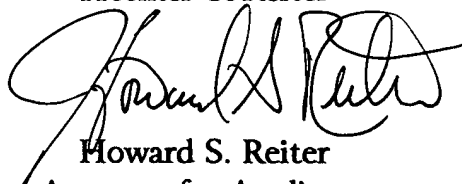
- The Petition Fee specified in <u>37 CFR 1.17(m)</u>, in the form of <u>Attorney's duly executed Credit Card Payment form (Form PTO-2038 (02-2003) in the amount of Seven Hundred and Fifty Dollars ($750.00)</u>;

- This Petition Under 37 CFR 1.137(b)

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- Attorney's Statement accompanying this Petition, in accordance with 37 CFR 1.137(b)(3), explaining and confirming and that the entire delay in filing this response was unintentional

- A Self-Addressed Acknowledgment Postcard

- A Certificate of Post-Office-to-Addressee Express Mailing, Under Mailing Label Number EL 651547653 US

Attorney for Applicant respectfully solicits favorable consideration and corresponding action on this Petition so as to afford the entirely innocent Applicant the consideration and protection to which he is entitled and which he would have obtained but for Attorney's entirely unintended oversight.

Respectfully submitted,
Hosmer & Reiter

Howard S. Reiter
Attorney for Applicant
Reg. No. 20,394

Date: October 21, 2005

Hosmer & Reiter
158 Prospect Hill
New Milford, CT 06776-3721
Tel: (860) 355-0869
Fax: (860) 354-0869

HOSMER & REITER
COUNSELLORS AT LAW

BRUCE E. HOSMER 1925-1995
HOWARD S. REITER
ALSO ADMITTED TO
PRACTICE IN NEW YORK

158 PROSPECT HILL
NEW MILFORD, CONNECTICUT
06776-3721 USA
TELEPHONE (860) 350-0869
FACSIMILE (860) 354-0869

October 21, 2005

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

EXPRESS MAIL LABEL EL 651547653 US

Sir:

RE: ATTORNEY'S STATEMENT ON PETITION TO REVIVE UNDER 37 CFR 1.137(b);
APPLICATION NO: 10/771,578
Application Date: ... 02/03/2003;
Inventor: .... Liviu L. Marian;
Title: .... Method and Apparatus for Attaching Article Processing Stem
Docket No: LAYT/2001/2003;

The undersigned Attorney for Applicant hereby respectfully petitions to revive the above-identified Non-Provisional Patent Application, under the provisions of 37 CFR 1.137(b), and submits the following statement, accordingly:.

Attorney for applicant will be seventy years old, shortly, and no longer accepts new business. The subject application, identified above is one of barely ten or so pending matters remaining on his active docket. Accordingly, he is now the sole remaining staff member in his office, and is solely responsible for all clerical and professional functions including docketing, preparing, typing and submitting all outgoing and incoming correspondence.

Attorney maintains a computer-based docketing system that he reviews regularly and that has provided more than adequate advance reminders of the relatively few actions that must be docketed for response. Despite Attorney's precautions and reasonable reliance on this basic system however, he incorrectly and without deceptive intention of any kind, committed an unknown and entirely unintentional error in the initial docketing of the response to the Official Action mailed 01/11/2005. He is now aware that he improperly docketed the 3-month response date for this application at six months instead of 3-months and accordingly set the 6-month "deadline date" 3 months later than the incorrect 6-month date. During the incorrectly docketed time for response, medical and personal problems requiring attention to and hospitalization of

HOSMER & REITER
COUNSELLORS AT LAW
October 21, 2005
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ATTORNEY'S STATEMENT ON PETITION TO REVIVE UNDER 37 CFR 1.137(b);
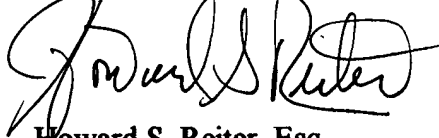APPLICATION NO: 10/771,578
Docket No: LAYT/2001/2003;

the sole other member of Attorney's household, effectively though inexcusably diverted Attorney's attention from these matters and the file was misplaced along with recognition of the requirement for response. The present response was prepared and submitted with all due haste and respect as soon as possible following detection of the oversight.

Attorney sincerely regrets the confusion, oversights and delays created by the untimely and unfortunate combination of unintended personal clerical mistakes as well as electrical and mechanical malfunctions in his office. The delays in submitting the accompanying Response and Petition was entirely and indisputably the sole responsibility of Attorney who is now making efforts to avoid recurrences primarily by retiring from active practice. Before doing so, however, Attorney is making concerted efforts to avoid the imposition on his few remaining loyal and innocent clients, of unwarranted penalties such as the undeserved forfeiture of this partly allowed and otherwise fully allowable application.

In view of the facts and circumstances outlined in the statement set forth above, Attorney earnestly and respectfully solicits favorable consideration and subsequent grant of the accompanying Petition to Revive, together with further action on the likewise accompanying Amendment.

Respectfully submitted,

HOSMER & REITER

Howard S. Reiter, Esq.
Reg. No. 20,394

Enclosures: (xx)
HSR/es